Attorney Docket No. (0320-0014) HOOV 114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	CERTIFICATE OF MAILING BY "EXPRESS MAIL"
Michael D. Hooven	"Express Mail" Mailing Label No.: <u>EV459451536US</u> Date of Deposit <u>July 13, 2004</u>
Serial No.: 10/038,506	I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box
Filed: November 9, 2001	Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria VA
Group Art No.: 3739) 22313-1450.) NAME Renée Barthel
Examiner: Rosiland S. Rollins) SIGNATURE aner Barth
For: TRANSMURAL ABLATION DEVICE WITH PARALLEL JAWS	

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450

NINTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §1.97, Applicant hereby calls the Examiner's attention to the document listed on the attached form, which the document may be material to the examination of this application. A copy of the document is enclosed herewith for the Examiner's consideration.

No inference should be drawn that any apparatus or method disclosed is equivalent to the subject invention. Also, the citation of the above-discussed document is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of the document herein is not to be construed as an admission that any subject matter disclosed in the document

is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of the document discussed herein, that may be cited by the Examiner in rejecting a claim in the present patent application.

This Supplemental Information Disclosure Statement is being mailed after the mailing date of a first Office Action on the merits but before a final action or an action that closes prosecution. The cited information was first called to Applicant's attention in an Office Action dated June 16, 2004 in related Application Number 10/015,862 filed on December 12, 2001. Accordingly, pursuant to 37 C.F.R. § 1.97(e)(2), it is hereby stated: no item of this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the best knowledge of the person signing this certification after making a reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to filing of this information disclosure statement. Consequently, as provided in 37 C.F.R. §

1.97(c), a fee under §1.17(p) is <u>not</u> required for the filling of this information disclosure. However, if it is determined that an additional fee is required, then authorization is hereby granted to charge Deposit Account 50-1039 any additional fee required.

(A duplicate of this document is enclosed herewith.)

Respectfully submitted,

Date: <u>July 13, 2004</u>

Renée Barthel, Esq. Registration No. 48,356

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Attorneys for Applicant

PTO/SB/08A (04-03) Approved for use through 04/30/2003. OMB 0651-0031

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substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known			
Application Number	10/038,506		
Filing Date	November 9, 2001		
First Named Inventor	Michael D. Hooven		
Art Unit	3739		
Examiner Name	Rosiland S. Rollins		
Attorney Docket Number	0320-0014 (HOOV 114)		

Sheet	1	of 1		Attorney Docket Number U320-0	014 (11001 111)
Olicer			II & DATENT	DOCUMENTS	
Examiner Initials*	Cite No.1	Document Number Number-Kind Code ^{2 (Il known)}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	^{US-} 6,679,882	01-20-2004	Kornerup	
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		FOREI	GN PATENT DOCU	MENTS	Pages, Columns, Lines,	Τ-
Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Where Relevant Passages Or Relevant Figures Appear	T ⁶
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	Date	
Examiner	Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, use including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

TO: Commissioner for Patents, Washington, DC 20231.

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